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Open Public Records Request Notification

Date Sent: February 18, 2025

Sent By: AP Lauren H. Fox
(SCPO Official)

Requestor's:

Name: Charlie Kratovil

E Mail: opra+request-72000-65c38878@requests.opramachine.com

Date of OPRA Request: 02/12/2025

Date Received: 02/12/2025

Records Requested:

1. Any Records requested:

All police misconduct information required to be published for the reporting year 2024 pursuant to the Internal Affairs Policies & Procedures Section 9.11 (available here: <https://link.edgepilot.com/s/7df4f57d/usvSr7myEUyu98mrpWJpcg?u=https://www.nj.gov/oag/dcj/agguide/directives/ag-Directive-2022-14-Transparency-in-Internal-Affairs-Investigations.pdf>) My preferred delivery method for response(s) to this request is by E-mail as attachments. However, you may also direct me to the precise on your website where this is available. Please confirm you have received this request. If you are not the custodian of records, please forward my request to that person and provide their email address to me for future reference.

Pursuant to your Open Public Records request, please note the following:

Your Open Public Records request has been processed in accordance with N.J.S.A. 47:1A-1 et seq. as noted below. The Somerset County Prosecutor's Office also reserves the right to raise any other grounds for denial not raised in this response. The failure of the Somerset County Prosecutor's Office to assert an exception or privilege does not act as a waiver of any ground for denial.

In reference to your request,

Your request for "all police misconduct information required to be published for the reporting year 2024..." is overbroad and of the nature of a blanket request for an unspecified class of various documents. See MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), Bent v. Stafford PD, 381 N.J. Super. 30 (App. Div. 2005), Asarnow v. Department of Labor and Workforce Development, GRC Complaint No. 2006-24 (May 2006), Morgano v. Essex County Prosecutor's Office, GRC Complaint No. 2007-190 (February 2008). This

request does not identify with reasonable clarity those documents that are desired. OPRA does not require custodians to research files to discern which records may be responsive to a request. Lastly when a request is “complex” because it fails to specifically identify the documents sought, then that request is not “encompassed” by OPRA. See MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), Bent v. Stafford PD, 381 N.J. Super. 30 (App. Div. 2005), Feiler-Jampel v. Somerset County Prosecutor’s Office, GRC Complaint No. 2007-190 (March 2008), New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007), Asarnow v. Department of Labor and Workforce Development, GRC Complaint No. 2006-24 (May 2006), Morgano v. Essex County Prosecutor’s Office, GRC Complaint No. 2007-190 (February 2008). Therefore, this request is invalid as it fails to comport with OPRA’s specificity requirements.

Notwithstanding the invalidity of your request, all Internal Affairs Annual Reports for 2024 can be located on the Somerset County Prosecutor’s Office website at: <https://somerseprosnj.gov/documents> by clicking on “Internal Affairs Annual Reports”.

With this response this matter is deemed complete and no further action will be taken by the Somerset County Prosecutor's Office.